



DM-6958

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Case No.: DM-6958
BARRETT, et al.
Serial Number: 09/281,474 Group Art Unit: 1619
Filed: March 30, 1999 Examiner: D. Jones
For: Pharmaceuticals for the Imaging of Angiogenic Disorders

Wilmington, Delaware
Dated: February 19, 2002

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121

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This is in response to the Restriction Requirement under 35 U.S.C. § 121 mailed October 19, 2001. A petition for extension of time is attached hereto to extend the time period for response to the Office action for three months or until February 19, 2002.

REMARKS

Response to Restriction Requirement

In response to the outstanding restriction requirement, Applicants provisionally elect Group 12 with traverse. Applicants respectfully request reconsideration and modification of the restriction requirement. More particularly, Applicants respectfully request that the Examiner consider the inclusion of Groups 29 and 46 (metallopharmaceuticals which comprise the compounds of Group 12) and Group 68 (radiopharmaceuticals which comprise the compounds of Group 12).

Under 35 USC § 121, restriction may be required if "two or more independent and distinct inventions are claimed in one application." According to the interpretation provided in MPEP §802.01, the term "independent" means that "there is